

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

APR 12 2005 12:22

SIGNATURES NETWORK, INC.	)	UNIVERSITY COURTHOUSE DISTRICT OF MASS.
a Delaware corporation,	)	
	)	
Plaintiff,	)	CIVIL ACTION NO. 05 10628 RWZ
	)	
vs.	)	
	)	
JOHN DOES 1-100, individuals,	)	
JANE DOES 1-100, individuals,	)	
and XYZ COMPANY, business	)	
entity form unknown, inclusive,	)	
	)	
Defendants.	)	
	)	

**DECLARATION OF PETER WEBER**

I, PETER WEBER, hereby declare as follows:

1. I make this declaration in support of Signatures Network, Inc.'s ("Plaintiff") request that a preliminary injunction and order of seizure issue in the above referenced matter.

2. I have personal knowledge of the facts set forth herein and am authorized by Plaintiff to make this declaration. If called as a witness, I could and would be able to testify competently to such facts.

3. I make this declaration to inform the Court about the service of the Temporary Restraining Order; Order of Seizure; and Order to Show Cause Re: Preliminary Injunction (the "Order") previously issued by this Court and to support Plaintiff's request for a nationwide preliminary injunction and order of seizure be issued. The Order was issued to allow the seizure of unauthorized Tour Merchandise, as known as "Bootleg Merchandise" or "Unauthorized Merchandise," that contains the federally registered name, likenesses and tour logos of the popular recording group "MAROON 5" (the "Artist").

4. I am responsible for, among other duties, coordinating the seizure of Bootleg Merchandise pursuant to the Order. Defendants, also known as Bootleggers, have plagued the past tours of the Artist. Plaintiff has obtained for these and for other artists orders similar to the order that Plaintiff requests the Court to issue, to allow Plaintiff to seize Bootleg Merchandise for the duration of the tour.

5. As expected, the defendant Bootleggers appeared with the Bootleg Merchandise at the Artist's performance. We seized over Eighty (80) bootleg T-shirts and other Bootleg Merchandise since this Court has issued the Order. True and correct copies of some of the proofs of service and receipts for goods seized are attached hereto as Exhibit "A." Plaintiff's attorneys received samples of the Bootleg Merchandise we seized and original authorized merchandise for use in connection with these proceedings.

6. Almost all of the Defendants refused to identify themselves when served with the Order and the other documents and they do not carry any identification. In addition, many of the Defendants refused to accept a copy of the Order and the receipt. Often the Bootleggers, when approached by the officer or process server, would ask if the officer/server had an injunction or order. When the officer/server responded in the affirmative and tried to serve the Order, the Bootleggers would hand over or drop the Bootleg Merchandise (and the Order just served on them) and then walk or run away before the officer/server could give to them a receipt.

7. As has been my experience with past tours of other artists, it is expected that these Bootleggers will travel to each of the upcoming performances of the Artist. I have already seen some of the defendants served at one performance appear at another performance on the tour selling Bootleg Merchandise. Most of the unauthorized T-shirts seized were identical or nearly identical to each other. Some of the T-shirts are "professional quality" and appear to have been produced in quantity and originated from a common source. All of the individuals from whom the Bootleg Merchandise was seized circulated in the crowd as the audiences were entering the arenas. Because they sold their goods before the show, they preempted Plaintiff's opportunity to sell authorized merchandise within the venue itself. Also some Bootleggers have brought the Bootleg Merchandise into the venue.

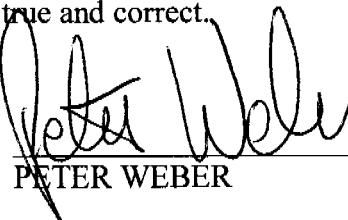
8 As stated in my previous declaration, in all of the matters I have handled since joining Plaintiff many years ago, I am not aware of any Bootlegger appearing in any action filed by Plaintiff, though thousands of people have been served and thousands of pieces of Bootleg Merchandise have been seized.

9. As previously discussed, the Artist is extremely popular and the tour has been well received. Therefore, due to the popularity of the tour, additional dates are in the process of being added. Should the Court so require, we will inform the Court periodically of these additional dates as they are added to the schedule.

10. Based upon the foregoing, Plaintiff is requesting that the Court extend the effect of the Order and grant a preliminary injunction binding upon all persons served with process, and on any other persons acting in concert with them, from selling Bootleg Merchandise on the tour, and allowing Plaintiff to seize such unauthorized merchandise.

I declare under penalty of perjury under the laws of the United States and the State of Massachusetts that the foregoing is true and correct.

Executed April 7, 2005.



PETER WEBER



**SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED**

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON  
FROM WHOM THINGS WERE SEIZED

John Doe

Boston, MA

DATE: 4-2-05

PLACE: \_\_\_\_\_

ITEM

QUANTITY

T-SHIRTS & JERSEYS

6

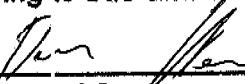
HATS

\_\_\_\_\_

OTHER (Please specify)

\_\_\_\_\_

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

  
John Doe  
Signature of Server

**SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED**

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON  
FROM WHOM THINGS WERE SEIZED

JANE DOE

DATE: 4-2-05

PLACE: \_\_\_\_\_

ITEM

QUANTITY

T-SHIRTS & JERSEYS

16

HATS

OTHER (Please specify)

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

  
\_\_\_\_\_  
Signature of Server

**SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED**

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON  
FROM WHOM THINGS WERE SEIZED

John J Schaffer  
849 Brill St  
Poila Pa 17124

DATE: 4-2-05

PLACE: \_\_\_\_\_

ITEM

QUANTITY

T-SHIRTS & JERSEYS

12

HATS

\_\_\_\_\_

OTHER (Please specify)

\_\_\_\_\_

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Wm B  
Signature of Server

**SERVICE OF PROCESS AND RECEIPT FOR GOODS SEIZED**

I, the undersigned below, being over 18 years of age and not a party to this action, a United States Marshal, state police officer, local police officer, local deputy sheriff, or off-duty officer of the same, or a person acting under their supervision, served a copy of the Complaint and the Temporary Restraining Order and Order of Seizure and Motion for a Preliminary Injunction and seized unauthorized goods from the individual listed below.

NAME AND ADDRESS OF PERSON  
FROM WHOM THINGS WERE SEIZED

Bill Johnson  
2431 N 45<sup>th</sup>  
Phila Pa.

DATE: 4-2-05

PLACE: \_\_\_\_\_

ITEM

QUANTITY

T-SHIRTS & JERSEYS

11

HATS

\_\_\_\_\_

OTHER (Please specify)

\_\_\_\_\_

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Bob V

Signature of Server